



**Michigan Supreme Court**  
**State Court Administrative Office**  
**Trial Court Services Division**  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909  
Phone: (517) 373-4835

September 7, 2005

TO: Printers, Publishers, and District Court Forms Contacts

FROM: Amy L. Byrd, Forms Analyst

RE: SCAO Approved Forms – DC 90 and DC 91

Enclosed are corrected camera ready copies of DC 90, Petition Regarding Impoundment of Motor Vehicle or Seizure of Motorcycle and DC 91, Order Regarding Impoundment of Motor Vehicle or Seizure of Motorcycle, which were revised to comply with 2004 PA 495, effective October 1, 2005. Specifically, information was added to the forms regarding the impoundment of an abandoned vehicle pursuant to MCL 257.252b and 257.252f. Details about this act were provided to the courts in an on August 11, 2005 memo from Sandi Hartnell.

**NOTE:** The form designed by the Secretary of State and provided at time of impound will more likely be used than this form.

If you have any questions, feel free to contact me at (517) 373-4864 or Sandi Hartnell at (517) 373-0122.

Enclosures



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## MEMORANDUM

DATE: August 11, 2005

TO: District and Municipal Court Judges  
cc: Court Administrators, Clerks of Court, District Court Magistrates

FROM: Sandi Hartnell, Management Analyst

RE: Abandoned Vehicles; 2004 Public Acts 493 and 495

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[2004 Public Act 493](#) and portions of [2004 Public Act 495](#) take effect October 1, 2005. The following information addresses sections pertinent to courts.

### New Violation – Failure to Show Proof of Sale [PA 493]

An owner of a motor vehicle, other than a licensed dealer, when transferring title or interest in a vehicle, shall be required to either:

- Accompany the purchaser to a Secretary of State branch office to assure that the title of the vehicle being sold is transferred, or
- Maintain a record of the sale for not less than 18 months. Record of sale means either:
  - A photocopy of the reassigned title, or
  - A form or document that includes the name, address, driver license number, and signature of the person to whom the vehicle is sold, the purchase price, and the date of sale. [MCL 257.240(2)]

Violation of this new requirement is a traffic civil infraction. The fine shall be \$15.00 and a Justice System Assessment of \$40.00 is required. [MCL 257.907(2) and (14)]

SOS Offense Code 3455 has been assigned for Failure to Show Proof of Sale. A finding of responsible or default does not result in an abstract, but the violation is eligible for an FCJ suspension.

New Violation - Failure to Redeem Abandoned Vehicle before Public Sale [PA 495]

A person shall not abandon a vehicle in this state. The last titled owner of the vehicle is presumed responsible unless the person provides a record of sale as defined in MCL 257.240. A person who violates this subsection, and who fails to redeem the vehicle before public sale pursuant to MCL 257.252g, is responsible for a traffic civil infraction. The fine shall be \$50.00 and a Justice System Assessment of \$40.00 is required. [MCL 257.907(2) and (14)]

SOS Offense Code 3450 has been assigned for Failure to Redeem Abandoned Vehicle. A finding of responsible or default does not result in an abstract, but the violation is eligible for an FCJ suspension. [MCL 257.252a(1)]

Abandoned Vehicle Definitions [PA 495]

Abandoned vehicle means either of the following.

- A vehicle that has remained on private property without the consent of the owner.
- A vehicle that has remained on public property for a period of not less than 48 hours as follows:
  - A vehicle that has remained on a state trunk line highway for a period of not less than 18 hours if a valid registration plate is affixed to the vehicle.
  - A vehicle that has remained on a state trunk line highway if a valid registration plate is not affixed to the vehicle. [MCL 257.252a(2)]

Registered abandoned scrap vehicle means a vehicle that meets all of the following:

- Is on public or private property.
- Is 7 or more years old.
- Is apparently inoperable or is extensively damaged, to the extent that the cost of repair so that it is operational and safe would exceed the fair market value of the vehicle.
- Is currently registered or titled in Michigan or displays current year registration plates from another state. [MCL 257.252b(1)(a)]

Unregistered abandoned scrap vehicle means a vehicle that meets all of the following:

- Is on public or private property.
- Is 7 or more years old.
- Is apparently inoperable or is extensively damaged, to the extent that the cost of repair so that it is operational and safe would exceed the fair market value of the vehicle.
- Is not currently registered in Michigan and does not display current year registration plates from another state. [MCL 257.252b(1)(b)]

A vehicle meeting any of these definitions may be removed from public or private property pursuant to MCL 257.252a or 257.252b. A vehicle may also be removed from public or private property under circumstances outlined in MCL 257.252d(1).

Contesting Impoundment of Vehicle and/or Towing and Storage Fees [PA 495]

If a person wishes to contest the impoundment or removal of a vehicle and/or the towing and storage fees, a petition shall be filed within 20 days of the notice of impound with the district or municipal court that has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. [MCL 257.252e]

A civil case shall be opened with case type code GZ. A filing fee of \$65.00 is required. [MCL 600.8371(8)] If the owner wishes to obtain release of the vehicle and has not already paid the towing and storage fees to the vehicle custodian, a bond consisting of a fee of \$40.00 plus the accrued towing and storage fees must also be posted with the court. [MCL 257.252a(6) and (13), 257.252b(8)]

Upon receipt of a petition, the court must:

- Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly, and
- Notify the vehicle owner, the towing service, the custodian of the vehicle, and the police agency of the time and place of the hearing. [MCL 257.252f(1)]

If the court finds that the police agency complied with the procedures for processing an abandoned vehicle or a vehicle removed under MCL 257.252d, the court shall forward \$25.00 of the \$40 fee, if collected, to the Department of State within 30 days after the court's decision. The towing and storage fees and the remaining \$15.00 of the fee shall be forwarded to the towing agency. [MCL 257.252f(3)(a)]

The Department of Treasury's Fee Transmittal for District and Municipal Courts is under consideration as the method for deposit of the \$25.00 portion of the fee into the newly created Abandoned Vehicle Fund within the state treasury. Further information will be forthcoming on the proper method of transfer of funds.

If the court finds that the police agency did not comply with the procedures for processing an abandoned vehicle or a vehicle removed under MCL 257.252d, the court shall issue an order directing that the vehicle be immediately released to the owner and that the police agency is responsible for the accrued towing and storage charges. The court shall return the \$40.00 fee and towing and storage fees to the owner, if collected. [MCL 257.252f(3)(b)]

Questions may be referred to me at 517-373-0122, or to SOS Court Liaisons Peggy Leece (810-760-2961) or Sandy Aguirre (517-636-0129).



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

MEMORANDUM

DATE: August 11, 2005

TO: Circuit, District, Family, and Municipal Court Judges

CC: Clerks of Court, Court Administrators, County Clerks and Court Vendors.

FROM: Peggy Leece and Sandy Aguirre, Court Liaisons, Michigan Department of State

SUBJECT: New Offense Codes to be Programmed Regarding Abandoned Vehicles

The Governor signed Public Acts 493 & 495, 2004 and portions of these acts are effective **October 1, 2005**.

There are two new offense codes that will need to be added to your tables.

**3450 – Failure to Redeem Abandoned Vehicle** [MCL 257.252a(1)], civil infraction, eligible for FCJ only.

**3455- Failure to Show Proof of Sale** [MCL 257.240(3)], civil infraction, eligible for FCJ only.

Another new crime, 2004 Public Act 494, effective December 29, 2004, a crime for littering a vehicle, under the Natural Resources and Environmental Protection Act [MCL 324.8905a(4)] to include “.... a vehicle that is considered abandoned under section 252a of the Michigan vehicle code...” (MCL 257.252a). This violation is a state (non-traffic) civil infraction, and should be reported under offense code 9300.

The Michigan Department of State’s, *Court Manual*, will reflect the new offenses codes and new Court Manuals will be mailed to each court.

If you have any questions please contact, Peggy Leece, 810.760.2961 or Sandy Aguirre, 517.636.0129.